

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 05-Apr-05APPL. S.N.: 10/663,938TO: EXAMINER AZARIAN, SEYEDART UNIT: 2625FROM: Jefferson, Henry  
PARALEGAL SPECIALIST

RETURN THIS MEMO TO:

Case Drop-Off Location  
**JEF-2D68**SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 04-Apr-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see §14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see § 14.24):
  - The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account (see § 14.26.07).
  - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see §§ 14.26 & 14.26.01).
  - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see § 14.27.01).
  - The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see §§ 14.26 & 14.26.02).
  - The person who signed the T.D.:
    - is not an attorney “of record” (see §§ 14.29 and 14.29.01).
    - has failed to state his/her capacity to sign for the business entity (see § 14.28).
    - is not recognized as an officer of the assignee (see §§ 14.29 & possible 14.29.02).
  - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see § 14.30).
  - The T.D. is not signed (see §§ 14.26 & 14.26.03).
  - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see § 14.32).
  - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see §§ 14.26, 14.27.02 or 14.26.05).
  - The period disclaimed is incorrect or not specified (see §§ 14.26, 14.27.02 or 14.26.03).
  - Other: [REDACTED]
  - Suggestion to request refund (see § 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:

<b>Application Number</b>	Application No.	Applicant(s)
	10/663,938	PAVLOVIC ET AL.

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT – DO NOT MAIL		

U.S. Patent and Trademark Office

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, Colorado 80527-2400

PATENT APPLICATION  
ATTORNEY DOCKET NO. 200308295-2

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Vladimir Pavlovic and James M. Rehg Confirmation No.: 2311  
Application No.: 10/663,938 Examiner: S.H. Azarian  
Filing Date: 09/16/03 Group Art Unit: 2625  
Title: METHOD FOR MOTION CLASSIFICATION USING SWITCHING LINEAR DYNAMIC SYSTEM MODELS

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER  
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,694,044 to Hewlett-Packard Development Company, L.P. which issued on 02/17/04 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TERMINAL DISCLAIMER - DOUBLE PATENTING  
(continued)ATTORNEY DOCKET NO. 200308295-2

Please charge the required fee set forth in 37 CFR 1.20(d) of \$130.00 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

*(Note: An attorney or agent of record must sign this document.)*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: \_\_\_\_\_

OR

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number on 04/04/05 703-872-9306

Number of pages: 2

Typed Name: Margaret A. Norcutt

Signature: Margaret A. Norcutt

Respectfully submitted,

Hamilton, Brook, Smith & Reynolds, P.C.

By Mary Lou Wakimura

Mary Lou Wakimura

Attorney/Agent for Applicant(s)

Reg. No. 31,804 of Customer No. 21005

Date: 4/4/05

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